



**UNITED STATES DEPARTMENT OF COMMERCE
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CM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/228,325 01/11/99 STEVENS L 1002.2.72

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QM12/0816

EXAMINER

CHAMBERS, M

ART UNIT

PAPER NUMBER

3711

5

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/228,325

Applicant(s)

Stevens

Examiner

M. Chambers

Group Art Unit
3711



☒ Responsive to communication(s) filed on Jan 11, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

This Office Action is a response to the Application filed on:

Number	Name	Date	Claims	Independent Claims
09/228325	Stevens	1/11/99	18	2

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Nunes. Nunes discloses a frame (69), an acrylic backboard (6:15-22) and an elastomeric adhesive (6:46-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nunes as applied to claim 1 above, and further in view of Hying et al. Nunes discloses the elements in claim 1. However Nunes fails to disclose the use of a metal backboard frame. Hying et al discloses the use of a metal backboard frame (12:25-35). It would have been obvious to one of ordinary skill in the art to have employed the metal frame of Hying et al with the apparatus of Nunes in order to provide a more rigid and durable device to extend the useful life of the apparatus.

As to claims 2-10, 14-18: No criticality is given to the type of adhesive used. It would have been

obvious to one skilled in the art to be aware of the adhesives available and chosen an appropriate adhesive.

As to claims 11: **Hying et al** discloses a frame structure of metal.

As to claims 12: No criticality is given to the painting of the metal.

As to claims 13: **Nunes** discloses a printed image (fig 6).

Regarding Claims 2-18:

Concerning the following items:

- a) The particular type of adhesive used.
- b) The amount of and method in which the adhesive is applied.
- c) The type or structure of the bond gap spacers used in applying the adhesive.

No criticality or relevancy can be shown for the above items. If the applicant believes any of these items have a criticality or relevancy, then they should discuss the features which are novel or an improvement over prior art which they believe are patentable and non-obvious to one of ordinary skill in the art, when they response to this office action. The overall functionality of the method and apparatus described in the specification is maintained regardless of any change in these items. Furthermore one of ordinary skill in the art would have appreciated the various types of material/indicia and dimensions which could be used and would have chosen those items or the combinations of those items which would best provide/enhance the apparatus.

Conclusion

The prior art made of record and relied upon.

Patent Number	Date	Patent Name	Notes
5677896	10/14/97	Nunes	
5839982	11/24/98	Hying et al	

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent Number	Date	Patent Name	Notes
5980401	11/9/99	Erlewine	
6004231	12/21/99	Schickert et al	

NOTE:

1) If Applicant believes they have not received all of the cited references noted in this office action, they should call the examiner listed below within one (1) week of receiving this notice in order to obtain duplicate material and reset the time frame of this office action. If the applicant fails to request additional materials in a timely manner, the requested materials will be resent, but the applicant will have to obtain a time extension in the normal fashion.

Any inquiry concerning this communication or earlier communications from the examiner should

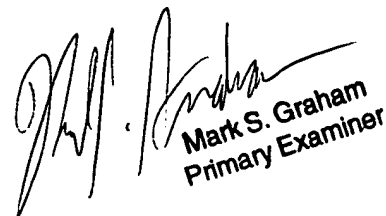
be directed to Michael Chambers whose telephone number is (703) 306-5516. The examiner can normally be reached on Mon.-Fri. from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette E. Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1078.

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC3700 is encouraging FAXing of responses to Office Actions directly into the group at (703) 305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner, art unit and case number at the top of your cover sheet. Papers submitted via FAX into TC3700 will be promptly forwarded to the examiner.


Mark S. Graham
Primary Examiner